

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

JAMES B. SWEERIS

Plaintiff,

v.

**CIVIL ACTION NO.: 3:19-CV-174
(GROH)**

**CARRINGTON MORTGAGE
SERVICES, LLC and DOES 1 TO 50,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued his R&R [ECF No. 5] on October 23, 2019. Therein, Magistrate Judge Trumble recommends that this Court dismiss the Plaintiff’s complaint [ECF No. 1] without prejudice and deny as moot his application to proceed *in forma pauperis* [ECF No. 2].

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court must conduct a *de novo* review of the magistrate judge’s findings where objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a plaintiff’s right to appeal this Court’s Order. 28.U.S.C. § 636(b)(1); Snyder v. Ridenour,


889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of service. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The *pro se* Plaintiff accepted service on October 25, 2019. ECF No. 6. To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 5] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. The Court hereby **ORDERS** that the Plaintiff's complaint [ECF No. 1] be **DISMISSED WITHOUT PREJUDICE**. The Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* [ECF No. 2] is **DENIED AS MOOT**.

The Court **DIRECTS** the Clerk to strike this case from the active docket and transmit a copy of this Order to the *pro se* Plaintiff by certified mail, return receipt requested.

DATED: November 20, 2019


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE